

REMARKS/ARGUMENTS

The non-final Office Action of August 20, 2008, has been reviewed and these remarks are responsive thereto. Claims 1, 3, 7, 9, 11, 12, 27, and 30-39 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 3, 7, 9, 11, 12, 20, 25, 27, 28, 30, 31, 33, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,005,601 (Ohkura), in view of U.S. Patent No. 6,064,943 (Clark Jr.). Claims 32, 34, 37 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkura, in view of Clark Jr., and further in view of U.S. Patent No. 6,323,911 (Schein). Applicants traverse these rejections for at least the following reasons.

Lack of Motivation to Combine Ohkura and Clark Jr.

Applicants submit that the Office has failed to identify a reason why a person skilled in the art would combine Ohkura, an apparatus and method of controlling display of an electronic programming guide, with Clark Jr., a computer network for collecting and analyzing agronomic data. First, these references are from different technical fields; Clark Jr., for example, is entirely unrelated to electronic programming guides. Second, the Office has failed to establish a prima facie rejection of the claims because the Office does not provide a well articulated reason why someone of ordinary skill in the art would combine the cited references. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). Analysis regarding interrelated teachings of multiple patents, the effects of demands known to the design community or present in the marketplace, and the background knowledge possessed by a person having ordinary skill in the art should be *explicit* in the record in order to determine whether there was an apparent reason to combine the known elements in the claimed fashion. *KSR*, slip op. at 14 (emphasis added).

The Office has provided no such articulated reason or analysis. Instead, on page 3, the Office Action states that it would have been obvious to combine Clark Jr. with Ohkura “as an alternative means of moving the slide knob.” However, an “alternative means” is not a reason or

motivation for doing something, and the Office Action provides *no reasoning or analysis whatsoever* in support of its alternative means. Thus, the alleged reasoning appears to be a conclusion the Examiner has apparently reached after having benefited from reading Applicants' own disclosure, and thus represents impermissible hindsight. Accordingly, since the Office Action provides no articulated reasoning regarding the supposed combination of Ohkura and Clark Jr., the rejections under 35 U.S.C. § 103(a) should therefore be withdrawn on this basis alone.

Independent Claims 1, 3, 7, and 9

Furthermore, even if proper, which Applicants do not admit, Applicants submit that the supposed combination of Ohkura and Clark Jr., does not result in the claimed invention. Each of claims 1, 3, 7, and 9 recites, in part, "display[ing] one or more programming content sliders ... wherein each of the sliders corresponds to an aspect of programming content and comprises an associated set of content-related characteristics of broadcast programs." In contrast, none of the cited references teaches or suggests programming content sliders corresponding to aspects of content and content-related characteristics.

As Applicants have previously argued in the Amendment submitted June 5, 2008, Ohkura does not teach or suggest a "slider," but only describes cursor areas that require users to manually type in keys (e.g., number keys, arrow keys) on a remote control device to set the value of the cursor area. See FIG. 10; col. 9, lines 18-24. The Office Action on page 2 mischaracterizes cursor areas 100Y and 100Z of FIG. 10 as "slide knobs," even though there is no portion of these cursor areas that is slideable or draggable, and Ohkura never mentions the terms "slide," "knob," "slider," "sliding," and does not describe any similar concept. Thus, Ohkura does not teach or suggest, "programming content sliders," as recited in independent claims 1, 3, 7, and 9.

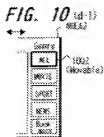
As argued in Applicants' previous Amendment, Clark Jr. also fails to teach or suggest this feature of independent claims 1, 3, 7, and 9. Although Clark Jr. describes "slide bars" for setting hour and minute values, neither these slide bars nor any other portion of Clark Jr. is related to displaying electronic programming guide data, programming content, or content-related characteristics of broadcast programs. Thus, Clark Jr. also fails to teach or suggest, "programming content sliders," as recited in independent claims 1, 3, 7, and 9.

Accordingly, neither Ohkura nor Clark Jr., alone or in combination, teaches or suggests “display[ing] one or more programming content sliders ... wherein each of the sliders corresponds to an aspect of programming content and comprises an associated set of content-related characteristics of broadcast programs,” as recited in independent claims 1, 3, 7, and 9. Therefore, claims 1, 3, 7, and 9 are allowable over the cited references for at least the reasons discussed above.

Dependent Claims 11, 12, 27, and 30-39

Dependent claims 11, 12, 27, and 30-39 are patentable over the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

For example, claims 31 and 36 each recite, “a genre slider with a draggable genre slide knob.” The Office Action alleges on page 4 that this feature is taught by Ohkura at FIG. 10 (d-1). Applicants respectfully disagree. This relied-upon figure and corresponding specification description are reproduced below:



Specifically, as shown in FIG. 10 (d-1), when the cursor 100Z of the area Z is movable, if the left button switch 126 is depressed once, then the area in which the movable cursor exists is moved to the area Y shown in FIG. 10 (c-1) (cursor 100Y becomes movable).

FIG. 10 (d-1); col. 11, lines 39-43. As discussed above, Ohkura only relates to cursor areas operated by depressing buttons on the controller device. See FIG. 10; col. 9, lines 18-24. In this example, Ohkura describes a movable cursor 100Z that can be changed by the arrow keys of the remote control to select a programming type. However, neither these portions nor any other portion of Ohkura teaches or even suggests “a genre slider with a draggable genre slide knob,” as recited in claims 31 and 36.

Additionally, claims 32 and 37 each recite, “wherein one of the programming content sliders corresponds to one of an actor slider with a draggable actor slide knob, or a director slider with a draggable director slide knob.” The Office Action correctly acknowledges on page 5 that neither Ohkura nor Clark Jr. teaches an actor slider or director slider as claimed. However, the Office Action then alleges that Schein teaches an actor slider at col. 13, lines 15-24. Applicants respectfully disagree. The relied-upon section of Schein describes a method that allows users to perform text searches for movies that have a certain actor or actress. Col. 13, lines 21-24. However, entering text to perform a search is not the same or equivalent to an, “actor slider with a draggable actor slide knob, or a director slider with a draggable director slide knob,” as recited in claims 32 and 37.

Accordingly, claims 31, 32, 36, and 37 are allowable for at least these additional reasons.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants’ undersigned representative at the below-listed number.

Respectfully submitted,
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Dated this 20th day of November, 2008

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